

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Editorially amend all claims for consistency with United States grammar and practice.
3. Add new claim 44.
4. Respectfully traverse all prior art rejections.
5. Request to receive written acknowledgement of receipt of the priority documents.

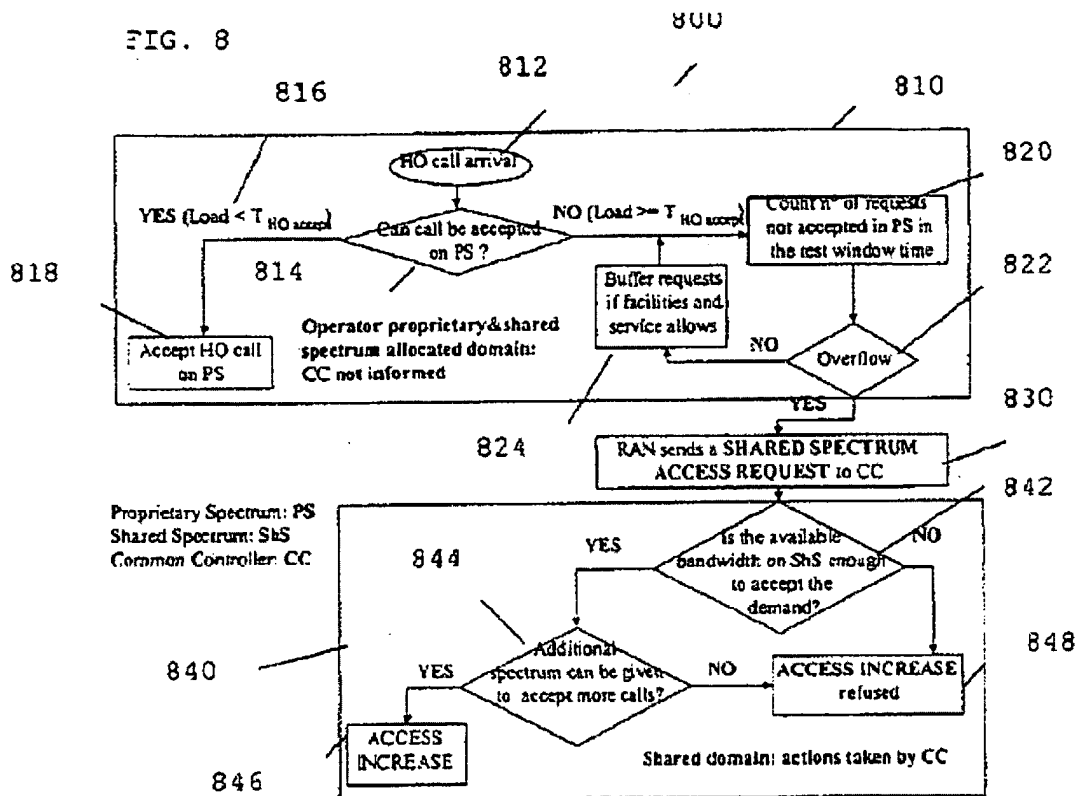
B. PATENTABILITY OF THE CLAIMS

Claims 21 – 43 stand rejected under 35 USC §102(b) as being anticipated by European Patent application EP 1220557A1 to Cecile. All prior art rejections are respectfully traversed for at least the following reasons.

EP 1220557A1 to Cecile concerns a system wherein a determination is first made whether a new call (e.g., a handover call) can be handled by an operator's proprietary system. If it is determined (based on threshold $T_{HO-accept}$) at step 816 that the operator's proprietary system can accept the load for the new call, the new call is accepted (step 818). Cecile ¶[0072].

If the operator's proprietary system cannot by itself handle the new call, an overflow situation occurs and a further determination is made (step 842) whether there is enough bandwidth in a shared system to accept the new call. The determination of step 842 takes into account calls that have been buffered waiting for resources. Cecile ¶[0074].

If Cecile determines at step 842 that there is enough bandwidth, at step 844 a further determination is made to see if additional spectrum can be allocated to accept more calls. If additional spectrum can be allocated, the access threshold is increased (step 846). Cecile ¶[0075].



Lacking in Cecile is (among other things) any teaching or suggestion of Applicants' third determination: whether a total amount of resources shared by at least two operators in use for the first operator exceeds a second threshold. Applicants' third determination is required by each of the independent claims 1, 40, and 41.

Thus, there is no determination in the Cecile Fig. 8 scenario as to whether a particular operator's usage of the shared resources exceeds a third threshold. The Cecile

Fig. 8 scenario provides no discussion about decisions as to how to provide the shared resources to different operators in a fair manner.

For the Examiner's benefit Applicants point out that their corresponding PCT patent application PCT/SE2003/001922 received a favourable International Preliminary Examination Report over EP 1220557A1 to Cecile (cited as D1 in the IPER). A copy of the International Preliminary Examination Report for PCT/SE2003/001922 was filed on 7 June 2006.

Various ones of Applicants' dependent claims have separate patentable merit. As a notable initial example, dependent claim 2 permits executing the second determination only if the first determination shows that there are sufficient free resources available in the communication system. This is the opposite of Cecile, where a positive determination at step 814 negates any need for further determinations.

The virtues of the remaining independent claims need not now be elaborated as they inherit patentability from the independent claims from which they depend.

C. REQUEST FOR ACKNOWLEDGEMENT OF RECEIPT OF PRIORITY DOCUMENTS

Applicants respectfully request to receive written acknowledgement of receipt by the US Patent Office of their priority documents.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly requested.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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